



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

March 10, 2023

**BY ECF**

The Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re:** *United States v. Marco Alemonite*, 14 Cr. 86 (KPF)


Dear Judge Failla:

The Government has conferred with defense counsel regarding the upcoming status conference scheduled for March 16, 2023 and respectfully requests that the Court hold the pending violations of supervised release in abeyance pending resolution of the defendant's appeal of his New York state convictions entered on or around August 16, 2022. Defense counsel consents to the request.

Because the outcome of the appeal is likely to impact the parties' positions with respect to the outstanding violation of supervised release specifications before the Court – all of which are based on the state convictions currently on appeal – an abeyance is appropriate, as it would advance the interests of both parties and avoid unnecessary waste of judicial resources. Although it is not clear what the anticipated timeframe is for the appeal to be resolved, once the parties receive notice of a resolution, we will promptly notify the Court with respect to further actions.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

By:   
Katherine Cheng  
Assistant United States Attorney  
Southern District of New York  
(212) 637-2492  
Katherine.Cheng@usdoj.gov

cc (by ECF): Stephen Turano, Esq.

Application GRANTED. The conference currently scheduled for March 16, 2023, is hereby ADJOURNED pending further order of the Court. This case is hereby held in abeyance pending a decision on Mr. Almonte's appeal in state court.

The parties are to promptly notify the Court upon resolution of the appeal. The Clerk of Court is directed to terminate the pending motion at docket number 176.

Dated: March 13, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE